

## REMARKS

The present Amendment and request for reconsideration is filed in response to the Office Action mailed July 29, 2004. Claims 1-4, 7-14, 17-22, 25-30, and 33-35 have been rejected under 35 USC § 103. Claims 5,6,15,16,23,24,31 and 32 have been objected to.

In the office action of July 29, 2004, the Examiner has rejected Claims 1-4, 7-14, 17-22, 25-30, and 33-35 under 35 USC § 103 as being obvious over Zakhor (US 5,699,121) in light of Hartung (US5,457,495) or in light of Hartung and in further view of Choy (US 6,754,624).

The Applicant respectfully disagrees with this position.

Although the claims as written bear some similarity to the invention of Zakhor (one of the Inventors of this pending Application), and it is clear that the patents of Hartung and Choy do describe the revision or pruning of a codebook for video imaging, they do not teach or suggest the claimed invention, and in particular do not teach or suggest doing so using high energy portions of an image to update a dictionary, as explicitly described in the claims.

However, the Examiner has stated that Claims 5,6,15,16,23,24,31, and 32 are allowable if they are rewritten in independent form and include the limitations of the claims upon which they depend.

In the present Amendment, we have therefore cancelled all of the original claims (Claims 1-34), subject to the right of their restoration in whole or in part at a later time as new claims, according to 37 CFR § 1.121(c)(5).

We have introduced new claims 35-46 in which Claim 35, 38, 41 and 44 contain the limitations of Claims 5, 15, 23 and 31, rewritten in independent form and including the limitations of the claims upon which those claims depended. These therefore should be allowable in their new form.

Claims 36, 39, 42 and 45 contain the limitations of Claims 6, 16, 24 and 32. These also should be allowable in their new form.

Claims 37, 40, 43 and 46 add the additional limitations originally found in Claims 4, 14, 22 and 30. As these now depend on allowable claims, they too should be allowable in their new form as well.

We hope the Examiner can therefore issue a Notice of Allowance for these new Claims at his earliest opportunity.

Sincerely,



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